

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ILLINOIS
Northern Division**

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**THOMAS G. BRITTON
CLERK, U.S. DISTRICT COURT**

Victoria C. McKenzie,

Plaintiff,

v.

Defendants,

Jo Daviess County Housing Authority

Carroll County Housing Authority

Ed Bochniak

Randy Keleher

Amanda DuHack

Jackie Wickler

Other Unnamed Defendants

Civil Case Number:

20cv50354

**Judge Philip G. Reinhard
Magistrate Judge Lisa A. Jensen**

COMPLAINT AND REQUEST FOR JURY TRIAL

Plaintiff Victoria C. McKenzie alleges as follows:

INTRODUCTION

1. This is an action brought by Victoria C. McKenzie to enforce Title II of the Americans with Disabilities Act of 1990 ("ADA"). Pursuant to Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. 12131-12134, Section 504 JO of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. 794, and the Fair Housing Act: Title VIII of the Civil Rights Act of 1968, the Defendants perpetrated several hundreds of deliberate and intentional discriminatory and retaliatory acts against the Plaintiff.

2. The United States seeks declaratory and injunctive relief, compensatory damages, a civil penalty against Defendants pursuant to 42 U.S.C. § 12188(a)(1) and (a)(2)

JURISDICTION

3. The Court has jurisdiction over this action pursuant to 42 U.S.C. §§ 12188(a)(1) and (a)(2) and 28 U.S.C. §§ 1331. The Court may grant declaratory and other relief pursuant to 28 U.S.C. §§ 2201 and 2202.

4. Venue lies in this District and this Division pursuant to 28 U.S.C. § 1391 due the discriminatory and retaliatory acts giving rise to this action occurred at locations in and around Jo Daviess County, IL, as well as, at least one defendant residing within the judicial district.

FACTUAL ALLEGATIONS

5. The Plaintiff is a forty-nine year old woman. When she was thirty-six years old, she was involved in a major motor vehicle accident which resulted in residual conditions including an auditory processing disorder, hearing loss, degenerative disc disease, debilitating migraines, anxiety, panic attacks, severe arthritis throughout her entire skeletal system, balance issues, severe nausea and vomiting, neurogenic bladder, incontinence, stiff person syndrome and Postural orthostatic tachycardia syndrome. The manifestations of the Plaintiffs conditions include, but not limited to, joint pain, fatigue, limping, dehydration, inability to stand for long periods of time, nausea and vomiting, and the inability to process and understand verbal language,

6. The plaintiff is an individual with a disability within the meaning of 42 U.S.C. § 12102.

7. On a multitude of occasions the Plaintiff was discriminated against for having disabilities by the Defendants.

8.. On a multitude of occasions the Plaintiff was subjected to retaliatory behavior by the Defendants for advocating for my assertion of my ADA rights and/or filing complaints regarding their behaviors.

9. On a multitude occasions the Defendants referred to the Plaintiff's disabilities in derogatory terms and/or denied she had disabilities which caused her to feel embarrassment, shame, and worthlessness.

10. On multiple occasions the plaintiff was denied reasonable accomodations, which caused the plaintiff to include but not limited to, not be able to accurately follow along, understand what was being said, what was required, the process, resulting in the Plaintiff feeling lost and helpless, and missing important information.

11. The Defendants have failed to train and/or educate their staff on Federal ADA laws and compliance.

12. The Plaintiff has been denied access to records to provide this court with specific dates, specific incidents, etc. and has exhausted all methods of obtaining the records, including but not limited to a variety of FOIA, filing court action in the local district, et al.

13. Due to the systematic failure, insensitivity and lack of education/training of those with disabilities and federal law, as well as extensive discriminatory culture and behavior of the Defendants the Plaintiff has been denied the appropriate housing for a disabled individual due to the Defendant's lack of organization, noncompliance to Federal law, etc. and the Plaintiff has suffered financially, physically, mentally and emotionally.

CLAIM FOR RELIEF

14. Plaintiff incorporates herein the allegations contained in Paragraphs 1- 13.

15. Defendants discriminated on the basis of disability in violation of Title II of the ADA, Victoria C. McKenzie suffered damages as a result of Defendants' violations of the "ADA," the Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act: Title VIII of the Civil Rights Act of 1968.

PRAYER FOR RELIEF

WHEREFORE, the United States prays that this Court:

1. Grant judgment in favor of the Plaintiff and declare that Defendants violated Title II of the Americans with Disabilities Act of 1990 ("ADA"). Pursuant to Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. 12131-12134, and Section 504 of the Rehabilitation Act of 1973 (Section 504) anFair Housing Act: Title VIII of the Civil Rights Act of 1968.
2. Enjoin Defendants, their officers, agents, employees, and all others in concert or participation with them, from engaging in discrimination against individuals with disabilities, and specifically from failing to comply with Title II of the ADA.
3. Award compensatory damages, including damages for pain, suffering, and emotional distress, to the Plaintiff. for injuries suffered as the result of Defendants' violations of Title II of the ADA, Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act: Title VIII of the Civil Rights Act of 1968.
4. Assess a civil penalty against Defendants, pursuant to 42 U.S.C. § 12188(b) (2)(C), to vindicate the public interest; and

5. Order such other appropriate relief as the interests of justice may require.

Respectfully submitted this 12th day of September, 2020.

A handwritten signature in black ink, appearing to be 'VM', written over the printed name.

VICTORIA C. McKENZIE

Pro Se